

S/041/028

State of Utah  
Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
PO BOX 145801  
Salt Lake City, Utah, 84114-5801

RECEIVED

OCT 12 2004

DIV. OF OIL, GAS & MINING

October 8, 2004

ATTN: Lynn Kunzler

Subject: Request for a variance to Reclamation requirements

Reference: BP & H, LLC Project, S/041/028, Sevier County Utah

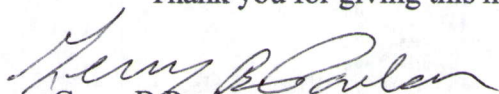
Mr. Kunzler:

Please consider this request, which will in effect, allow me "to remove red dirt that is without vegetation" as a variance to the above referenced permit.

On October 7<sup>th</sup> I spoke with Mr. Doug Jensen of your office asking him some questions concerning the permit. I have an opportunity to sell some of the "red dirt" that overburdens salt deposits and he suggested I write a letter requesting a variance to that portion of the permit that covers Reclamation. The "red dirt" for the most part is barren from vegetation. Mr. Jensen further suggested that a visit to the site would be necessary to view and evaluate this request. I would be happy to meet you or your designee at the site at your earliest convenience.

If you need further information please contact me.

Thank you for giving this matter consideration.

  
Gerry B Poulson  
Member, B P & H, LLC  
(801) 968-3147